

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY CARL SCOTT,

Plaintiff,

Case No. 12-13326

v.

HON. AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 11)**

**AND**

**GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. 10)**

**AND**

**DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Doc. 9)**

**AND**

**DISMISSING CASE**

I.

This is a social security case. Plaintiff Timothy Carl Scott appeals from the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. The parties filed cross motions for summary judgment.

On July 22, 2013, the magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted, plaintiff's motion be denied, the findings of the Commissioner be affirmed, and the case be dismissed. Specifically, the magistrate concludes that substantial evidence supports the

Commissioner's decision that plaintiff is not disabled.

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge's conclusions and recommendations. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The Commissioner's motion for summary judgment is GRANTED. Plaintiff's motion for summary judgment is DENIED. The findings of the Commissioner are AFFIRMED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn \_\_\_\_\_  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: August 15, 2013

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 15, 2013, by electronic and/or ordinary mail.

s/Sakne Chami  
Case Manager, (313) 234-5160